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FAX NO. 8013281707

P. 26

Application No. 09/616,013
Amendment "E" dated January 4, 2006
Reply to Office Action mailed August 26, 2005

REMARKS

These remarks and the accompanying amendments are responsive to the Office Action dated August 26, 2005. At the time of the last examination, Claims 1-30 were pending, of which Claims 1, 11-13, 24, 26 and 28-30 are independent.

The Office Action rejected Claims 1, 12, 13, 26-28 and 30 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,108,541 issued to Yazaki et al. (hereinafter "Yazaki") in view of European Patent number EP 0 903 951 applied for by Masahiro (hereinafter "Masahiro").

As recited in Claim 1, the control step "determines a degree of how frequent searches for new perch channels which are currently not captured are conducted, in response to [a] second receiving quality" which is obtained "from first receiving qualities" which are measured for currently captured perch channels. Thereby, consumption power can be reduced with maintaining accuracy of selecting a best base station. The present invention of claim 1 searches for a perch channel to capture and receive the perch channel. At the stage that it searches for the perch channel, i.e., at the stage before the perch channel is captured, it lacks information for receiving the perch channel (e.g., timing, spreading code (in the case of CDMA method), etc.), and it is not in the state that it can receive the perch channel. Here, for example, the work for identifying the timing generally needs a lot of power consumption. Therefore, it is desired to reduce such process (process for identifying the lacked information for receiving the perch channel) as much as possible. The present invention of claim 1 decides the necessity of such process based on the above-mentioned second receiving quality, and determines the frequency of such process.

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However, neither Yazaki et al (US 6,108,541) nor Masahiro (EP 903,951) disclose the above-mentioned feature of the present invention of claim 1. As it can be understood from column 4, line 50 to column 5, line 25 of Yazaki et al. to which the examiner referred, Yazaki et al. discloses three aspects, and they correspond to the first embodiment (column 6, line 60 to column 10, line 18), the second embodiment (column 10, line 19 to column 12, line 57), and the third embodiment (column 12, line 58 to column 16, line 15). However, in all the embodiments, the description is written on the premise that the mobile station already has necessary information (frequencies) for receiving the control channels (please see column 6, lines 34-37 and column 13, lines 5-12). Therefore, in Yazaki, searches for new perch channels which are currently not captured are not conducted.

For example, in the third embodiment, in consideration of power consumption and cell switching control, the receiving level measuring period of the control channels of the peripheral cells which are currently captured by the mobile station is changed based on the moving speed (please see column 13, lines 17-22 and column 14, lines 30-51). However, this is different from changing a frequency of searching for a new control channel which is currently not captured by the mobile station. That is, since the third embodiment describes that the mobile station changes the measuring period of the receiving levels of the control channels, the description is written on the premise that the mobile station already has necessary information for receiving the control channels.

As for Masahiro, Masahiro discloses a mobile radio terminal apparatus which calculates with respect to a single signal, the level of a short-time averaged received signal and the level of a long-time averaged received signal, and counts the number of times of the level of the short-time averaged received signal crossing the level of the long-time averaged received signal

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upwardly for a certain period time, and calculates the moving speed, and controls the frequency of searching processing based on the moving speed information.

In "Description of the Related Art" of Masahiro, there is description that the mobile radio terminal apparatus identifies a channel using a (spreading) code and shares a frequency and a time, and thus it can monitor a reference signal of other base station apparatus (please see the paragraph [0006]). Here, the spreading code is already known (please see the paragraph [0005]).

Further, the embodiments of Masahiro are one which controls the frequency of searching processing based on the moving speed information, and throughout Masahiro, it is premised that the frequency and the time are shared and the spreading code is already known.

Thus, in Masahiro, the description is written on the premise that the mobile radio terminal apparatus already has necessary information (frequency, time and spreading code) for receiving the reference signal. Therefore, in Masahiro, searches for new perch channels which are currently not captured are not conducted.

Therefore; even if combined (the appropriateness of the combination not being conceded), Yazaki and Masahiro do not teach or suggest every feature recited in Claim 1. Specifically, neither Yazaki nor Masahiro disclose determining a degree of how frequent searches for new perch channels which are currently not captured are conducted, in response to a second receiving quality which is obtained from first receiving qualities which are measured for currently captured perch channels. The same thing can be said for claims 13 and 28, which recite the features that are described above as lacking from both of Yazaki and Masahiro.

The present invention of claim 12 controls a degree of how frequent searches for new perch channels which are currently not captured are conducted in response to a detected moving

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speed. Thereby, consumption power can be reduced with maintaining accuracy of selecting a best base station.

In contrast, as mentioned above, Yazaki and Masahiro do not disclose searches for new perch channels which are currently not captured. Therefore, it cannot be said that the present invention of claim 12 is obvious over Yazaki et al. and Masahiro which do not disclose a feature of the present invention of claim 12, i.e. controlling a degree of how frequent searches for new perch channels which are currently not captured are conducted in response to a detected moving speed. The same thing can be said for claims 26 and 30, which recite the features described as lacking from Claim 12. Claim 27 depends from Claim 26, and is thus not unpatentable over the combination for at least the reasons that Claim 26 is not unpatentable over even the combination.

Therefore, the 35 U.S.C. 103(a) rejection should be withdrawn, and withdrawal is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4th day of January, 2006.

Respectfully submitted,



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